

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

GUARDIAN LIFE INS. CO., *et al.*,

Defendants.

Civ. Docket No. 01-4183

Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET
OF THE NORTHEAST, INC., and
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801

Hon. Faith S. Hochberg, U.S.D.J.

OPINION AND ORDER

Date: September 13, 2005

HOCHBERG, District Judge:

This matter comes before the Court upon Defendant’s Appeal of Magistrate Judge Schwartz’s August 15, 2005 Order (“August 15 Order”), which requires Health Net entities to “disclose all documents and update all certifications to address any and all investigations related to Health Net’s out of network activities, regardless of whether or not the investigation was the result of one or many complaints.” This Court having reviewed Magistrate Judge Schwartz’s

Order,¹ and having considered the submitted papers, and

it appearing that a plain reading of the August 15 Order's reference to "one or many complaints" shows that this phrase solely describes which investigations are to be the subject of updated certifications and document production, and that said Order does not require complaints to be produced if they did not lead to administrative investigations; and

it appearing that the August 15 Order is thus not an expansion of Magistrate Judge Shwartz's March 1, 2005 sanctions order; and

it appearing that Magistrate Judge Shwartz's August 15 Order is neither clearly erroneous nor contrary to law,

IT IS on this 13th day of September, 2005,

ORDERED that Magistrate Judge Shwartz's August 15, 2005 Order is **AFFIRMED**; and it is further

ORDERED that the Health Net entities disclose the required documents, and update all certifications, in compliance with the requirements of the August 15 Order, as those requirements have been read by this Court, no later than October 10, 2005.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.

¹ This Court reviews the Order under the clearly erroneous standard. A magistrate judge's adjudication of a non-dispositive motion will be set aside only if the order is found to be clearly erroneous or contrary to law. *Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1111, 1113 (3d Cir. 1986), *cert. denied*, 484 U.S. 976, 108 S. Ct. 487 (1987) (*citing* 28 U.S.C. § 636 (b)(1)(A)); *see also* Fed. R. Civ. P. 72 (a); L. Civ. R. 72.1 (c).